IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE SIXTH DAY OF OCTOBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE A.GOPAL REDDY

WRIT PETITION No. 17910 of 2004

Between:

Bikkina Krishna Rao, S/o. Veeranna,
R/o. Krishnampalem Village, Devarapalli Mandal,

West Godavari District.

..... PETITIONER

AND

1 The District Collector, West Godavari District at Eluru.
2 The Mandal Revenue Officer, Devarapalli, West Godavari District.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein the High Court may be pleased to issue a direction specially a writ of Mandamus declaring the action of the Mandal Revenue Officer, Devarapally contemplating to demolish the structure in Survey No. 800/3 in Krishnampalem Village, Devarapally Mandalam, West Godavari District is arbitrary, illegal and violative of Articles 14, 21 and 300-A of the Constitution of India.

Counsel for the Petitioner : Mrs.R.MARIE DESAI

Counsel for Respondents : G.P. FOR SOCIAL WELFARE

The Court at the stage of admission, made the following :

ORDER:

Heard the learned counsel for petitioner and the learned Government Pleader and both of them agreed for disposal of the writ petition at the admission stage.

The petitioner earlier moved this Court by way of W.P.No.10103 of 1999 questioning the notice dated 16.4.1999 issued by the Mandal Revenue Officer, Devarapalli Mandal and for a consequential direction not to demolish the structures existing in 0.61 cents in R.S.No.800/3. This Court disposed of the said writ petition by order dated 9.12.2002 in the light of the award passed by the Revenue Divisional Officer, Kovvur dated 15.12.1993 that in view of the permanent structures in R.S.No.800/3 which was sub-divided into R.S.No.800/3A in an extent of Ac.1-18 cents, leaving apart Ac.0.61 cents from acquisition, held that the notice issued by the Mandal Revenue Officer calling upon the petitioner not to proceed with the construction, was on a wrong premise that the same is covered by the acquisition cannot be sustainable, and accordingly set aside the notice. The petitioner in this writ petition complains that the respondents without issuing any notice, are again threatening to demolish the structures.

It is well settled by catena of judgments that if the property of a citizen is required for public purposes, the authorities should follow the due procedure contemplated under law for acquisition of the said property by putting the citizen on notice of the action proposed, if any. In view of the same, the respondents are under obligation to follow the due process of law for taking possession of the property or demolishing the structures. Without following the same, no citizen can be deprived of the property nor any demolition can be resorted to.

The writ petition, with the above observations and directions, is accordingly disposed of. No costs.

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A.GOPAL REDDY, J

Date: 6.10.2004

NOTE: C.C. IN (2) DAYS.

B/O

DA

To

1 The District Collector, West Godavari District at Eluru
2 The Mandal Revenue Officer, Devarapalli, West Godavari District.

3 Two CCs to the G.P. for Social Welfare, High Court Buildings,

Hyderabad (OUT).

4 Two CD copies.